

SEP 23 2004

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	10/825,558	
	Filing Date	April 14, 2004	
	First Named Inventor	Michael Fleisher	
	Art Unit	2878	
	Examiner Name	unknown	
Total Number of Pages in This Submission	17	Attorney Docket Number	SFV 308

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Supp. Response to Notice to File Missing Parts, nine sheets of drawings, copy of Not. of Inc. Reply & return-receipt postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Edward B. Anderson, Reg. No. 30,154 Kolisich Hartwell, P.C.
Signature	
Date	September 20, 2004

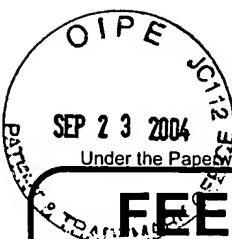
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Tamara Daw		
Signature		Date	September 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 55.00)
**Complete if Known**

Application Number	10/825,558
Filing Date	April 14, 2004
First Named Inventor	Michael Fleisher
Examiner Name	unknown
Art Unit	2878
Attorney Docket No.	SFV 308

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number	11-1540
Deposit Account Name	Kolisch Hartwell, P.C.

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEES CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1) (\$ 0</b>					

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	-20** =	X	=	Fee from below	Fee Paid
Independent Claims	- 3** =	X	=		
Multiple Dependent					

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$ 0</b>		

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			55.00
1252 420	2252 210	Extension for reply within second month			
1253 950	2253 475	Extension for reply within third month			
1254 1,480	2254 740	Extension for reply within fourth month			
1255 2,010	2255 1,005	Extension for reply within fifth month			
1401 330	2401 165	Notice of Appeal			
1402 330	2402 165	Filing a brief in support of an appeal			
1403 290	2403 145	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,330	2453 665	Petition to revive - unintentional			
1501 1,330	2501 665	Utility issue fee (or reissue)			
1502 480	2502 240	Design issue fee			
1503 640	2503 320	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 180	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))			
1801 770	2801 385	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 55.00****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Edward B. Anderson	Registration No. (Attorney/Agent)	30,154	Telephone (503) 224-6655
Signature	<i>EB Anderson</i>		Date	September 20, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: September 20, 2004

MICHAEL FLEISHER, MAYA M. RADZINSKI  
RICHARD L. ROWE and THOMAS W. GRUDKOWSKI

Serial No. : 10/825,558 Our Docket No.: SFV 308

Filed : April 14, 2004 Group Art Unit: 2878

For : SURVEILLED SUBJECT PRIVACY IMAGING

Mail Stop Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL RESPONSE TO NOTICE TO FILE MISSING PARTS**

This reply supplements the reply received by the U.S. Patent and Trademark Office on 08/16/04 to the Notice to File Missing (Notice) parts mailed 06/28/2004, as well as to the Notice of Incomplete Reply mailed 09/08/2004. This reply is accompanied by a petition for a one-month extension, extending the period for response until 9/28/04.

The Notice states that replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required because certain of the submitted figures are not electronically reproducible. Specifically, Figures 4, 5, 8-15 and 17-25 are considered too dark. The applicants traverse this holding and ask, for the following reasons, that these drawings be accepted as computer-generated images analogous to photographs.

The applicants describe in the specification and drawings certain systems and methods related to imaging using various radio frequencies. The figures indicated are computer generated images of data used in the systems and methods. As such, they include

Page 1 - SUPPLEMENTAL RESPONSE TO NOTICE TO FILE MISSING PARTS;  
Ser. No. 10/825,558; Our File - SFV 308

gray scale and black and white images that convey information to the reader of the nature and context of the processes and data involved. It is submitted that these images portray data that in most cases varies in a non-uniform and not-well defined manner that can only be correctly conveyed in graphic form. A line drawing rendering of the gray scale and complex images would require omitting and distorting much of the data contained in the images as filed. Further, to present the data for each figure as an extensive table of data would obfuscate the information. In the image form, the context and relative significance of the data is readily understood when visually perceived by a human observer.

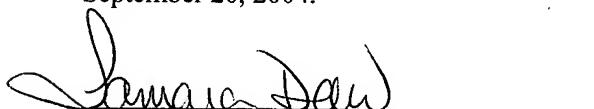
Further, the applicants submit that even as dark as they are, the figures after being scanned and printed provide a better illustration of the concepts disclosed than would be possible when illustrated using conventional drafting techniques. Using commercially available equipment at the disposal of the undersigned attorney of record, the figures as filed were scanned and printed. These printed figures are attached and identified as "Attachment A." Even though there is some reduction in resolution of the images, the applicants submit that these images still adequately illustrate the concepts presented, and do so better than could be provided with conventional drafting techniques. Photocopies of the original figures provide even better duplication of the originals.

Additionally, the images in question are similar to figures of images contained in U.S. patents numbered 5,455,590, 5,557,283, 5,859,609 and 6,703,964. The applicants ask that the figures as filed in this application be accepted for the same reasons that the corresponding figures of these patents were accepted.

If after considering this response the Examiner continues the rejection of the drawings or has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

**CERTIFICATE OF MAILING**

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Tamara Daw

Date of Signature: September 20, 2004

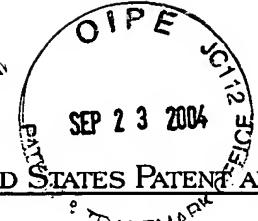
Respectfully submitted,  
KOLISCH HARTWELL, P.C.



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Edward B. Anderson  
Registration No. 30,154  
Customer No. 23581  
of Attorneys for Applicant  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679

I Fw #



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,558	04/14/2004	Michael Fleisher	SFV 308

CONFIRMATION NO. 8849

23581  
 KOLISCH HARTWELL, P.C.  
 520 S.W. YAMHILL STREET  
 SUITE 200  
 PORTLAND, OR 97204

## FORMALITIES LETTER



\*OC000000013752440\*

Date Mailed: 09/08/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 08/16/2004 to the Notice to File Missing Parts (Notice) mailed 06/28/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 4,5,8,9,10,11,12,13,14,15,17,18,19,20,21,22,23,24,25 ARE TOO DARK.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

*mhlharr*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE